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ARGENTINA

I. POLITICAL SITUATION

Since March 24, 1976, Argentina has been ruled by a military government headed by General Jorge Rafael Videla.

Political violence became a problem in Argentina in the late 1960s with the formation of the People's Revolutionary Army (ERP) and the Montoneros, both Marxist organizations dedicated to the overthrow of the government and working closely with Marxist guerrillas in Uruguay, Chile and Bolivia. When guerrilla organizations were defeated or ousted in these three countries, many of their members fled to Argentina, beginning in the early 1970s with the defeat of the Tupamaros in Uruguay. In the three years of the Peronist administration (1973-76), over 2,000 Argentines died as a result of terrorism. Since March, political violence has claimed at least 1,000 lives.

Mismanagement of the economy under Peron contributed to the climate of political instability in Argentina--and vice versa. At the time of the coup, the Consumer Price Index was increasing at a 566% annual rate with a rising trend, there was deepening recession, and an external payments crisis threatened an Argentine default on foreign debts.

The new government's first priorities were to contain inflation, refinance the foreign debt and fight leftist terrorism, the latter perceived as the greatest threat to the government's economic and political plans.

The security forces have taken strong action against leftist terrorists, killing hundreds and arresting thousands. In this climate right-wing terrorism has continued. Such terrorism first appeared under Peron in 1974. The most notorious of these organizations was the AAA (Argentine Anti-Communist Alliance). It is reasonable to conclude that counter or right-wing terrorism has involved elements of the Argentine security forces. Effective steps to control it have not yet been taken. Since March 1976 a wide spectrum of individuals, and even ordinary citizens, have been victimized, including priests and foreign political refugees. While no American citizens has been killed for his real or perceived associations, two of our citizens have said publicly that they were tortured by Argentine security forces.

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

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Exemption(s):

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Leftist terrorism has been responsible for hundreds of political assassinations and kidnappings in the last few years. Policemen, military personnel and businessmen are often shot at random. Argentine executives of American companies have suffered in particular. Most American and foreign executives have left Argentina to escape kidnapping and/or murder. In 1975, our Consular Agent in Cordoba, John Patrick Egan, was murdered by leftist terrorists, while USIA officer Alfred Laun narrowly escaped death in the same city.

II. LEGAL SITUATION

The Argentine Constitution of 1853 is technically in effect but, in practice, the decrees and laws promulgated by the military government take precedence even over constitutional provisions. This principle has been consistently upheld by the Argentine Supreme Court. The Argentine Constitution is closely patterned after the United States Constitution and provides most of the legal guarantees that ours does. The major exception is a "State of Siege" provision, which gives the federal government power to suspend habeas corpus temporarily, hold suspects indefinitely and to move accused persons from place to place within the country without consent. Arrested persons are supposed to have recourse to trial eventually or be released. The State of Siege was invoked under the Peronists and has been in effect since November 6, 1974.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. Integrity of the Person

Article 3: This article is violated regularly by terrorists at both ends of the political spectrum. Both the present and predecessor Administrations have reportedly acquiesced in violations attributable to persons associated with the government; and the legal security forces have reportedly killed detainees suspected of terrorism; allegedly including thirty prisoners in the town of Pilar on August 30 of this year. X/

Article 5: Torture is reportedly used by the security forces to extract information from some prisoners, particularly suspected or proven terrorists. Once they are actually X/

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"booked", however, prisoners apparently receive more or less reasonable treatment.

Article 8: While legal remedies are normally available in Argentina, they are apparently generally ignored in cases involving charges of subversion.

Article 9: The security forces have detained numerous persons for investigation and questioning under the provisions of the State of Siege or other laws; e.g., arms control laws. Some are held indefinitely but others are freed after a short time and still others passed on to the procedures of the regular courts or to military court-martials when this is prescribed by law. An accurate estimate of persons detained under the provisions of the State of Siege is impossible to calculate. On October 6 the Argentine Foreign Minister told the press that there were 1,000 prisoners as of that date. He said that 300 persons had been released in recent days. We have no independent information which would permit us to judge the accuracy of any of these figures.

Article 10: Preliminary investigations are conducted by judges in Argentina. The right of habeas corpus is respected in all cases, except those arising under the State of Siege.

Article 11: Argentine courts function normally in most cases. The exception applies to individuals held under the State of Siege. In such cases the Argentine Supreme Court has ruled that the jurisdiction of the military justice system over subversion and arms control cases applies only when it is clear that the offense is actually linked to the security of the nation. Intimidation of lawyers and judges by right and left-wing elements have made it difficult to assure fair trials.

B. Other Important Freedoms

Anti-Semitism, a recurrent problem in Argentina for decades, was recently manifested anew by right-wing attacks against Jewish synagogues and shops. There have been no reports of deaths or injuries as a result of anti-Semitic incidents. The GOA has condemned such actions and moved to ban anti-Semitic literature. Both the Argentine President and Foreign Minister have taken recent steps to reassure Jews.

Some right and left-wing extremist publications in Argentina have also been banned by the Videla government. This includes Marxist as well as anti-Semitic literature. The

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Argentine press is required to exercise self-censorship, and is specifically prohibited from mentioning terrorist and anti-terrorist operations unless officially authorized by the government. There is, nevertheless, criticism of human rights abuses in the Argentine press. Few journalists have suffered arrest and only for short periods. Foreign correspondents file their stories freely. On August 21 the Argentine Newspapers Owners Association, representing over 100 editors and publishers, complained to President Videla about press restrictions.

Upon taking power in March, the military junta dissolved the parliament and banned political and labor activity. Some labor unions were intervened and, on September 8, a law was passed providing up to ten years in prison for strike organizers.

IV. OTHER HUMAN RIGHTS REPORTING

Many organizations, including Amnesty International, have denounced human rights violations in Argentina. However, comprehensive reports on the situation in Argentina since March 24, 1976, are not yet available.

In January 1976, Freedom House listed Argentina as "partly free".

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